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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,659	09/10/2003	Nathaniel Christopher Herwig	11388.00	3696

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EXAMINER

LABAZE, EDWYN

ART UNIT PAPER NUMBER

2876

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,659

Applicant(s)

HERWIG ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 3/30/2005.
2. Claims 1-8 are presented for examination.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Coutts et al. (U.S. 6,311,165).

Re claims 1 and 7: Coutts et al. discloses transaction processing systems, which includes a receipt printer 14, including a housing 11 (col.8, lines 60+; col.56, lines 45+); a bar code reader in the housing (col.4, lines 10+; col.27, lines 47+); and control circuitry [through the module hardware 9/30] in the housing for facilitating communication of receipt data between the printer 14 and a separately housed [herein described as server 3/16/26; as shown in figs. # 1-2, 4a] controlling computer and bar code data between the bar code reader and the separately housed controlling computer over a single cable 17 (col.8, lines 40+; col.11, lines 60+). Coutts et al. further discloses a universal serial bus hub/link [which also could be an RS-232 link, Firewire or Ethernet link; as shown in fig. # 4a, 8, 15, 26-31] for interconnecting the various peripheral devices within the housing and with the external peripheral devices (col.19, lines 60-67; col.27, lines 50+).

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Re claim 5: Coutts et al. discloses an apparatus, wherein the bar code reader is located in a position in the housing 11 {as shown in fig. # 2} that does not interfere with operation of the printer 14 (col.8, lines 55+).

Re claim 6: Coutts et al. teaches an apparatus, wherein the control circuitry comprises a universal serial bus hub (col.19, lines 60-67).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coutts et al. (U.S. 6,311,165) in view Zhu et al. (U.S. 6,619,549).

The teachings of Coutts et al. have been discussed above.

Coutts et al. fails to teach an imaging scanner comprises of a charge coupled device or CCD, and a presentation scanner.

Zhu et al. discloses barcode symbol reading device having intelligent data communication interface to a host system, which includes a presentation scanner (col.4, lines 5+; col.11, lines 1+); USB link (col.17, lines 1-67), and a CCD scanner (col.23, lines 30+; col.29, lines 10+).

In view of Zhu et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Coutts et al. a

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presentation scanner also known in the art as a hand-free/pass-through scanner so as to permit the barcodes to be presented to the scanner with a motion that is parallel to the window. Furthermore, such modification would be beneficial to the user by reducing stress and fatigue of holding to use the [wand] scanner, wherein the presentation scanner is fixedly connected to housing/device while bar coded objects are moved through the scanned field. Moreover, such modification would have been an obvious extension as taught by Coutts et al., therefore an obvious expedient.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ono et al. (U.S. 6,126,340) discloses printer.

Walter et al. (U.S. 6,246,995) teaches product activity data collection system.

Gatto et al. (U.S. 6,710,895) discloses compact configurable scanning computer terminal.

Cook et al. (U.S. 6,786,655) teaches method and system for self-service film processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395.

The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el
Edwyn Labaze
Patent Examiner
Art Unit 2876
April 14, 2005



THIEN M. LE
PRIMARY EXAMINER